

REMARKS

In response to the Office Action dated November 16, 1998, Applicants hereby
5 amend Claims 1-8 and add new dependent Claims 9-10. Claims 1-10 remain presently,
and no additional fees are required by this Amendment. Accordingly, Applicants
respectfully request reexamination and reconsideration of this case, as now amended.
Formal corrected drawings shall be submitted by Applicants upon indication of any
allowed claims.

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In the Office Action, the Examiner rejected claims 1-3, and 5-7 under 35 U.S.C. §
103(a) in view of Hendricks *et al.* (U.S. Patent No. 5,600,364). Applicants submit that
such rejection has been presently overcome, and respectfully should be withdrawn, since it
is believed that such rejected claims, as amended herein, are presented in more specific
15 scope, which defines subject matter that would not have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject
matter pertains.

In particular, independent claims 1 and 6 are amended substantially to add the
20 following language:

"... the conference comprising a video conference session being conducted
between such coupled DTV receivers, each DTV receiver comprising a video

5 camera and a display, such coupled DTV receivers being associated with a plurality of selected subscribers belonging to a logical group, the conference being enabled within the logical group simultaneously with the program delivery to the selected subscribers of the logical group, the display of each coupled DTV receiver displaying the delivered program and at least one selected subscriber in the conference, whereby collaboration is effectively enabled by video conferencing among the selected subscribers while a common program is delivered simultaneously to such selected subscribers. . .”

10 Moreover, claim 2, which depends on claim 1, is amended to include the following language:

“ . . . the billing message representing a charge for simultaneous program delivery and video conferencing service . . .”

15 Claim 3, which depends also on claim 1, is amended to include the following language:

“ . . . the personalized commercial message being provided to the selected subscribers belonging to the logical group during the video conferencing session . . .”

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Additionally, claim 5, which depends also on claim 1, is amended to included the following language:

“ . . . thereby dynamically modifying an active set of the selected subscribers
belonging to the logical group for simultaneous video conferencing and common
program delivery . . . ”

5 Furthermore, claim 7, which depends on claim 6, is amended to include the
following language:

“ . . . processor for coordinating simultaneous program delivery and video
conferencing among the selected subscribers. . . ”

10 Substantial support of such claim amendments is based variously in the present
Specification, pages 4-8, as originally filed; hence, no new matter is introduced.
Applicants respectfully submit that Hendricks *et al.*, either individually or in combination
with one or more other references made of record in this application, neither suggest nor
disclose Applicants' invention defined now by amended claims 1-3, and 5-7.

15 Generally, Hendricks *et al.* describe a network controller for cable television
delivery systems, which provides set top terminals with so-called Program Overlay Menus,
which may be displayed concurrently with subscriber-selected programming. However,
the menu functionality contemplated by Hendricks *et al.* is directed specifically at
20 providing subscribers with menu-driven program-related selections that offer users limited
interactivity primarily by using a remote-control subscriber interface device to invoke
certain menu selections during programming (see: column 13, lines 22-35).

In particular, as compared to amended claims 1 and 6, (as well as such other claims amended herein and dependent thereon), Hendricks *et al.*, neither disclose nor suggest method or system, which employs subscriber unit cameras, enabling, among other things, integrated simultaneous display of video conferencing between subscriber units during common program delivery, particularly whereupon such subscriber units belong to a logical group to facilitate effective collaboration therebetween.

Moreover, as compared to amended claim 2, Hendricks *et al.* neither disclose nor suggest a method whereupon, among other things, billing represents simultaneous program delivery and video conferencing service.

Additionally, as compared to amended claim 3, Hendricks *et al.* neither disclose nor suggest a method whereupon, among other things, personalized commercial messaging is provided to select subscribers belonging to a logical group during a video conferencing session therebetween.

Furthermore, as compared to amended claim 5, Hendricks *et al.* neither disclose nor suggest a method whereupon, among other things, an active set of selected subscribers belonging to a logical group for simultaneous video conferencing and common program delivery is modified dynamically.

In addition, as compared to amended claim 7, Hendricks *et al.* neither disclose nor suggest a system whereupon, among other things, a processor coordinates simultaneous program delivery and video conferencing among selected subscribers.

5 Therefore, Applicants respectfully submit that the Examiner's rejection of claims 1-3, and 5-7 under 35 U.S.C. § 103(a) in view of Hendricks *et al.* has been substantially overcome by the present amendment, and, thus, should be withdrawn.

 Regarding claim 4, the Examiner rejected claim 4 under 35 U.S.C. § 103(a) over
10 Hendricks *et al.* in view of Flohr *et al.* (U.S. Patent No. 5,534,914). Applicants submit that such rejection has been presently overcome, and respectfully should be withdrawn, since it is believed that such rejected claim 4, as amended herein, is presented in more specific scope, which defines subject matter that would not have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject
15 matter pertains.

 In particular, claim 4, which depends on claim 1, is amended substantially to add the following language:

 “ . . . controller for coordinating simultaneous program delivery and video
20 conferencing among the selected subscribers. . .”

Substantial support of such claim 4 amendment is based variously in the present Specification, pages 4-8, as originally filed; hence, no new matter is introduced.

Applicants respectfully submit that Hendricks *et al.*, either individually or in combination with Flohr *et al.* (or one or more other references made of record in this application),
5 neither suggest nor disclose Applicants' invention defined now by amended claim 4.

Generally, Flohr *et al.* describe a videoconferencing system, wherein computers exchange data over a network. However, Flohr *et al.*, either individually or in combination with Hendricks *et al.* (or one or more of the other references made of record
10 in this application), neither disclose nor suggest a method using a controller for coordinating simultaneous program delivery and video conferencing among selected subscribers.

In this regard, the Examiner submits argument in the present Office Action that the
15 simple message delivery system contemplated by Hendricks *et al.* would have been obviously combined with, or modified using, a teleconferencing interactive system contemplated by Flohr *et al.*

Applicants respectfully disagree with the reasoning presented to support the
20 Examiner's obviousness rejection, because the prior art cited, i.e., Hendricks *et al.* and Flohr *et al.*, do not disclose or suggest modification or combination in such manner necessary to meet claim 4, as now amended.

In particular, the simple message delivery specified by Hendricks *et al.*, whereby certain introductory menu is provided to display announcements, advertisements, or other messages (column 13, lines 64-67) is specifically directed at menu-based messaging
5 between the cable headend and certain subscriber set top terminal (column 14, lines 1-3). Moreover, such menu-based simple message delivery, including the so-called Program Overlay Menus, as mentioned previously, are also specifically directed at menu-based messaging between the cable headend and certain subscriber set top terminal during programming.

10 Applicants respectfully submit that the simple message delivery contemplated by Hendricks *et al.* did not, and could not, suggest or disclose motivation to combine with Flohr *et al.* as argued by the Examiner, because such simple message delivery only served to provide limited (e.g., largely text-based) messaging service between the headend and a
15 given set top terminal.

In other words, such simple (i.e., low-bandwidth) message delivery contemplated by Hendricks *et al.* was not designed for transmitting and receiving video conferencing (i.e., high-bandwidth) signals between multiple subscriber terminals belonging to a select
20 logical grouping, particularly multiple interactive digital television receivers, which are simultaneously receiving a common program, as now specified by amended claim 4 (and claim 1 upon which claim 4 depends).

Therefore, Applicants respectfully submit that the Examiner's rejection of claim 4 under 35 U.S.C. § 103(a) over Hendricks *et al.* in view of Flohr *et al.* has been substantially overcome by the present amendment, and, thus, should be withdrawn.

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Regarding claim 8, the Examiner rejected claim 8 under 35 U.S.C. § 102 in view of Flohr *et al.* Applicants submit that such rejection has been presently overcome, and respectfully should be withdrawn, since it is believed that such rejected claim 8, as amended herein, is presented in more specific scope, which defines subject matter that is not disclosed or anticipated by the cited reference (nor would not have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.)

In particular, claim 8 is amended substantially to add the following language:

15 "... the video conference comprising a session being conducted with the
conference participant during the presentation of the program, the display
integrating through a frame buffer the program and the received conference
signal according to an active set, thereby graphically combining video
conferencing with the conference participant during the program delivery . . . "

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Substantial support of such claim amendment is based variously in the present Specification, pages 4-8, as originally filed; hence, no new matter is introduced.

Applicants respectfully submit that Flohr *et al.*, neither discloses nor anticipates, the subject matter now specified by amended claim 8.

In particular, Flohr *et al.* (nor any one or more of the other references made of
5 record in this application, individually or in combination) neither disclose, anticipate, or
otherwise suggest an apparatus whereupon, among other things, a video conference
session is conducted with one or more conference participant during program
presentation, wherein a display integrates, using a frame buffer, the program and received
conference signal according to an active set, and thereby graphically combines video
10 conferencing with conference participant(s) during program delivery.

Thus, Applicants respectfully submit that the Examiner's rejection of claim 8
under 35 U.S.C. § 102 in view of Flohr *et al.* has been substantially overcome by the
present amendment, and, therefore, should be withdrawn.

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Furthermore, to specify various related aspects of the present invention, Applicants
submit herein newly added claims 9-10, which depend on amended independent claim 8.
Substantial support of such newly added claims is based variously in the present
Specification, pages 4-8, as originally filed; hence, no new matter is introduced.

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More particularly, claim 9, among other things, covers apparatus having a
controller for controlling simultaneous program delivery and video conferencing within an

active set, whereby the controller may modify the active set dynamically by adding or removing conference participants. Further, claim 10, among other things, covers apparatus having an interface which receives billing messages representing a charge for simultaneous program delivery and video conferencing service, or commercial messages
5 associated with the active set.

In view of the foregoing Remarks and Amendment, it is respectfully submitted by Applicants that the claims are now in condition for allowance. Other references made of record by the Examiner have been considered by Applicants and deemed not to anticipate
10 or otherwise suggest Applicants's claimed invention.

Reconsideration of the rejections is requested, and allowance of the claims at an early date is solicited. No additional fees are required by this paper. If the Examiner has any questions, kindly direct any such queries to the following phone number or email
15 address.

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Respectfully submitted,



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